

MINUTES

INDIANA STATE BOARD OF DENTAL EXAMINERS

JUNE 4, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Miller called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Matthew Miller, D.D.S., President
Jill Burns, D.D.S., Vice President
Steven Hollar, D.D.S., Secretary
Charles Heape, D.D.S.
Theodore Rokita, D.D.S.
Clance LaTurner, Consumer Member
Gary Haller, D.D.S.
Richard T. Newton, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Jim Schmidt, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

HOLLAR/La TURNER
Motion carried 8-0-0

III. APPEARANCES

A. PROBATIONARY

1. Tammy M. Bacon, L.D.H., License No. 13005564A Administrative Cause No. 2008 DB 0005

Ms. Bacon appeared before the Board, as requested, regarding her ongoing probationary status. The Board is pleased with her progress. Ms. Bacon informed the Board she will be doing voluntary community service for Rupert's Kids. Ms. Bacon is also filling in occasionally for other dentists. Ms. Bacon will be attending the 10th Annual 12 Step AA Retreat for Women on June 18-20, 2010 in Indianapolis. Reports are showing that she is doing quite well and they are very pleased with her progress.

2. Michael Bajza, D.D.S., License No. 12009652A

Administrative Cause No. 2005 ISDB 0011

Dr. Bajza appeared before the Board, as requested, regarding his ongoing probationary status. H has met with his mentor, Dr. Brown, and he has given him lots of articles to review but he has only reviewed the ADA Code of Ethics. Dr. Bajza he scheduled to meet with Dr. Brown today. Dr. Bajza has not completed any community service. When asked what he is waiting on, he stated he is having trouble getting his malpractice insurance and guesses he will have to do something outside of dentistry to get that started or completed. The Board requested that he do some community service outside of dentistry to show some good faith. Dr. Bajza is not currently practicing dentistry or working.

3. Trevor Treasure, D.D.S., License No. 12010719A

Administrative Cause No. 2007 ISDB 0002

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probationary status. Things are going well at the school. He has not heard from Medicaid regarding his reinstatement. All reports are up to date and current. Dr. Moe's report was due at end of May but it has not been received by the Board. Dr. Burns told Dr. Treasure she has heard from his dental students and that they really like him as a teacher. The Board is pleased with his progress.

4. Teresa Watkins, D.D.S., License No. 12010271A

Administrative Cause No. 2006 DB 0003

Dr. Watkins appeared before the Board, as requested, regarding her ongoing probationary status. She stated things are going well. She is currently working. The Board has not received a worksite monitor report from Dr. Miller. She is aware that the reports are required and will check to see where they are. She is still meeting with him regularly. Dr. Watkins asked if the reports could go quarterly and was advised by the Board she would have to request a hearing to modify her probationary requirements.

B. RENEWAL/REINSTATEMENT

1. James F. Ruble, D.D.S., License No. 12005579A

Dr. Ruble appeared before the Board, as requested, regarding reinstatement of his expired license. Dr. Ruble's license expired on March 1, 2004. He also had a positive response. Dr. Ruble answered "yes" to the question that asks "Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action?" He explained he had a patient that he had been seeing for 20 years. He was doing work on this patient when during the procedure the patient coughed and swallowed a piece of the crown. Two months later he came down with a pneumonic condition where it was determined he had aspirated the piece. The board asked why there was white-out on his chart, he explained that he had erased where he recorded the

temporary bridge and placed in the chart notes regarding the pneumonic condition. He also did not record that the patient refused to go to the hospital at the time of the incident until several months later. Dr. Ruble has never had any other malpractice action and has been practicing for 48 years. The Board was concerned he made a mistake with his chart keeping but pleased he did chart what had happened after the fact. Dr. Ruble states he has learned you do not white out anything on a patient's record and you always make notations of the procedure. He was also advised to insist on a patient to have an x-ray if anything like this ever occurs again, to cover himself. Dr. Heape questioned his continuing education. He explained he did complete them but not all in one day. He had ordered the continuing education and completed it periodically, but sent it all in at once.

Board action: A motion was made and seconded to approve the reinstatement of Dr. Ruble's dental license.

HOLLAR/NEWTON
Motion carried 8-0-0

2. Carrie Anne Striplin, L.D.H., License No. 13004600A

Ms. Striplin appeared before the Board, as requested, regarding the reinstatement of her dental hygiene license. Her license has been expired since March 1, 2004. She informed the Board she has been working continuously since 2004. She explained that her husband was in charge of all bills and thought he had paid her dental hygiene renewal. When asked by the board whose responsibility it is to make sure her license is up to date, she answered absolutely hers. Ms. Striplin has been working for Dr. Robert Vote in Indianapolis, Indiana. The Board is very concerned that she has been practicing unlicensed for the past six (6) years and that she has never told the dentist. She stated she learned of the expired license almost a year ago. Records show she requested a renewal form and information on September 12, 2008 but she did not send in the renewal, the fee and the continuing education until February 26, 2010. The Board understands that forgetting to renew a license could be just an oversight but is greatly concerned that she continued to work for such a long time knowing it was expired. The Board stated that they would renew her license on probation with terms and condition if she agreeable. Ms. Striplin has agreed to the probation with the terms and conditions.

Board action: A motion was made and seconded to reinstate Ms. Striplin's dental hygiene license on a probationary status with following terms and conditions:

1. Applicant's license to practice dental hygiene is reinstated on Indefinite Probation. She may not petition for withdrawal of the probation for two years.
2. Applicant's practice of dental hygiene shall be governed by the following terms and conditions:

- a) Applicant shall make personal appearances before the Board six times per year. After one year, she may petition for modification of her probation to reduce the personal appearances to three times a year.
 - b) Within two years, Applicant shall perform forty hours of community service of which at least twenty hours must be dental related.
 - c) Within two years, Applicant shall complete two hours of continuing education in ethics which must be a live program. This continuing education will be in addition to the continuing education which is required for license renewal.
 - d) Before Applicants first personal appearance, she must read and understand the statutes and rules governing the practice of dental hygiene and submit an affidavit to the Board expressing that she has read and does understand the statutes and rules governing the practice of dental hygiene.
 - e) Within thirty days, Applicant must submit to the Board a copy of this Decision on License Reinstatement Application that has been signed by the dentist who employs her indicating that the dentist has read and understands it.
 - f) Applicant shall comply with the statutes and rules governing the practice of dental hygiene.
3. The failure of Applicant to comply with the terms of her probation may subject her to a show cause hearing and the possible imposition of further sanctions.

BURNS/HOLLAR
Motion carried 7-1-0
*Ms. LaTurner opposed

Board action: A motion was made and seconded to refer Dr. Roberto Vote to the Attorney General's office for investigation.

HOLLAR/LaTURNER
Motion carried 8-0-0

C. APPLICATION

1. Tessa Catherine Creager, D.D.S.

Dr. Creager appeared before the Board, as requested, regarding her application for a dental license by examination. Dr. Creager is a 2010 graduate from Indiana University and is not currently licensed at this time. She has taken and passed Part I and II of the National Boards and the North East Regional Board or Regional Dental Examiners (NERB). She had a positive response to question 4B that asks "Have you ever been convicted of a

misdemeanor or felony or plead nolo contendere?" Dr. Creager explained that in August of 2003 she was charged and pled guilty to a Class C misdemeanor of operating while intoxicated which occurred on August 24, 2003. Her driver's license was suspended for 90 days, payment of costs, and sentenced to Allen County Jail for 60 days, which was suspended. She was placed on probation for one (1) year subject to successful completion of a Criminal Division Service program and was discharged on October 22, 2004. Dr. Creager is currently trying to open a practice outside of Ft. Wayne, Indiana.

Board action: A motion was made and seconded to grant Dr. Creager a dental license upon successful completion of the Indiana jurisprudence examination.

BURNS/HALLER
Motion carried 8-0-0

2. Jeffrey Keith Dean, D.D.S.

Dr. Dean did not appear before the Board, as requested, regarding his application for a dental license by examination. Dr. Dean is not able to be here due to his orders from the US Navy to go to Officer Development School from May 23rd to June 25th. He will then report to Camp Lejeune, North Carolina on June 30th for duty. Dr. Dean is a 2010 graduate from Indiana University and is not currently licensed at this time. He has taken and passed Part I and II of the National Boards and the North East Regional Board or Regional Dental Examiners (NERB). Dr. Dean answered "yes" to questions 3 and 4B that asks "Are you now, or have you ever been treated for drug or alcohol abuse?" and "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained in a notarized affidavit that when in school he was charged with minor consumption. He was given a suspended sentence of ten (10) days in the Vanderburgh County Jail dependent upon completion of a court ordered Youth Alcohol Program and was ordered to pay costs and fines. The conviction was dismissed in March 1998. Dr. Andrew Shephard spoke on his behalf. He explained he is a veteran of the Iraqi war. Dr. Garetto spoke as well, stating that Dr. Dean is an outstanding man. He has known him since he began dental school. He was elected to teach his senior year and assured the Board they will not see him before the Board again.

Board action: A motion was made and seconded to grant Dr. Dean a dental license upon successful completion of the Indiana jurisprudence examination.

HOLLAR/HALLER
Motion carried 8-0-0

3. Lenna Jeanne Gordon, D.D.S.

Dr. Gordon appeared before the Board, as requested, regarding her application for a dental license by examination. Dr. Gordon is a 2010 graduate from Indiana University and is not currently licensed at this time. She has taken and passed Part I and II of the National Boards and the North East Regional

Board or Regional Dental Examiners (NERB). Dr. Gordon answered "yes" to question 4B that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that she was charged with minor consumption when she was 19. She participated in the pre-trial diversion probation. Charged but not convicted. She stated she has not had any other issues and has learned patience. She assured the Board she is only a social drinker. Dr. Gordon stated she will be practicing with her father in Fishers.

Board action: A motion was made and seconded to grant Dr. Gordon a dental license upon successful completion of the Indiana jurisprudence examination license.

HALLER/ROKITA
Motion carried 8-0-0

4. Luke Michal Keusch, D.D.S.

Dr. Keusch appeared before the Board, as requested, regarding his application for a dental license by examination. Dr. Keusch is a 2010 graduate from Indiana University and is not currently licensed at this time. He has taken and passed Part I and II of the National Boards and the North East Regional Board or Regional Dental Examiners (NERB). Dr. Keusch answered "yes" to question 4B that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in 2000 he was a senior in high school when he was charged with minor consumption. Fined and ordered to complete 40 hours of community service. Also in 2002 he was at a party in which he left the next morning. He proceeded to drive down a country road when he made a wrong turn, tried to turn around, and got his vehicle stuck. He called a tow truck and the sheriff came. The sheriff charged him with a driving under the influence. Dr. Keusch also explained that in 2004 he was charged with public intoxication due to a friend of his picking him up from a bar. The friend was charged with a driving under the influence of alcohol and he was arrested and charged with a public intoxication that was later dropped. The Board asked if alcohol is a problem in his life currently. He assured the Board that it is not and that he does not drink as much as he did in the past. He stated he only drinks about once a week while watching a game. The Board advised him to watch as they do not want to see him back here due to this issue.

Board action: A motion was made and seconded to grant Dr. Keusch a dental license upon successful completion of the Indiana jurisprudence examination.

HEAPE/HALLER
Motion carried 7-0-0
*Dr. Hollar was not present for the vote

5. Maxwell Stephen Miller, D.D.S.

Dr. Miller appeared before the Board, as requested, regarding his application for a dental license by examination. Dr. Miller is a 2010 graduate from Indiana University and is not currently licensed at this time. He has taken and passed Part I and II of the National Boards and the North East Regional Board or Regional Dental Examiners (NERB). Dr. Miller answered "yes" to question 34B that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Convicted of Operating a vehicle while intoxicated and possession of paraphernalia in Tippecanoe Circuit court. Fined a \$1000, license suspended for 30 days and restricted license for 180 days, probation for 360 days ending February 28, 2009, 60 hours of community service, alcohol evaluation, and victim impact panel. He explained that in 2006 a large group of people went out. He drove to Purdue University the next day when he dropped his phone under the seat while he was driving. He was pulled over for driving too slowly. He had a marijuana pipe in his car and Adderall pills that were not in a prescription bottle. Dr. Miller was charged with driving under the influence among other things. He states he was 22 when this happened and has done a lot to get past all of this. He has recently bought a house, with his girlfriend, in Indianapolis. He does not go out and party now as he stays home instead. The Board is concerned with the drug charge and that he will be in a position where he has access to drugs. He states he has learned a lot from this experience. The alcohol class consisted of six (6) weeks of listening to an impact panel of victims and offenders. The Board has cautioned him to watch his actions and assure them that he will not be back with these issues.

Board action: a motion was made and seconded to grant Dr. Miller a dental license upon successful completion of the Indiana jurisprudence examination.

NEWTON/LaTURNER

Motion carried 7-0-0

*Dr. Hollar was not present for the vote

6. Grady Scott Randall, D.D.S.

Dr. Randall appeared before the Board, as requested, regarding his application for a dental license by examination. Dr. Randall is a 2010 graduate from Indiana University and is not currently licensed at this time. He has taken and passed Part I and II of the National Boards and the Southern Regional Testing Agency Examination (SRTA). Dr. Randall answered "yes" to questions 3 and 4B that ask "Are you now, or have you ever been treated for drug or alcohol abuse?" and "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in May of 2004 convicted in Monroe Circuit Court of operating while intoxicated, endangering a person and resisting law enforcement. After drinking at his apartment, Dr. Randall stated that he decided to go to the gas station down the road where he hit a curb when pulling in. An officer saw this and asked what he was doing. He failed the field sobriety test and was handcuffed. Not thinking at that time, Dr. Randall jerked his arm away at which time he was placed on the ground and charged with resisting arrest. Dr. Randall completed a ninety (90) day driver's license suspension and one (1) day in jail. Upon his attorney and his family's advice he entered an extensive

outpatient treatment program. The judge did allow him to go to Spain to study abroad. He completed the program without any problems. In 2003 he had 2 underage drinking tickets and completed a diversion program. Dr. Randall stated he has a job offer in Louisville, Kentucky but would like to be back in Indiana eventually. When asked why he took SRTA, he stated he had heard it was a more laid back environment and he had planned previously to move to Texas so he had to take SRTA. When asked how often he drinks he said maybe once a week.

Board action: A motion was made and seconded to grant Dr. Randall a dental license upon successful completion of the Indiana jurisprudence examination.

BURNS/HALLER

Motion carried 7-0-0

*Dr. Hollar was not present for the vote

7. Andrew Dean Shephard, D.D.S.

Dr. Shephard appeared before the Board, as requested, regarding his application for a dental license by examination. Dr. Miller is a 2010 graduate from Indiana University and is not currently licensed at this time. He has taken and passed Part I and II of the National Boards and the North East Regional Board or Regional Dental Examiners (NERB). Dr. Shephard answered "yes" to questions 3 and 4B that ask "Are you now, or have you ever been treated for drug or alcohol abuse?" and "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that he was charged with minor consumption in 1998 and again in 1999. Dr. Shephard was required to complete a probationary period which also included completion of alcohol counseling. He is currently married with 2 children. He does not go out to drink, but occasionally drinks with dinner. Dr. Burns congratulated him on being Valedictorian of the Indiana University School of Dentistry Class of 2010.

Board action: A motion was made and seconded to grant Dr. Shephard a dental license upon successful completion of the Indiana jurisprudence examination.

HALLER/ROKITA

Motion carried 7-0-0

*Dr. Hollar was not present for the vote

IV. ADMINISTRATIVE HEARINGS

1. **State of Indiana vs. Clifford Salk, D.D.S., License No. 12006043A**
Administrative Cause No. 2010 ISDB 0002
Re: Complaint

Parties and Counsel Present:

Respondent was present with counsel, James Brauer
Elizabeth Kiefner Crawford, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Miller, D.D.S., President (Hearing Officer)
Dr. Hollar, D.D.S.
Dr. Burns, D.D.S.
Dr. Heape, D.D.S.
Ms. LaTurner, Consumer Member
Dr. Rokita, D.D.S.
Dr. Haller, D.D.S.
Dr. Newton, D.D.S.

Case Summary: A complaint was filed with the Indiana Office of the Attorney General regarding Respondent on or about February 1, 2010. The complaint states Respondent failed to mark dentures with patients names or social security numbers as required by law, Respondent failed to complete any continuing education between 2004 and 2008, Respondent signed his 2008 renewal indicating he had completed such continuing education as required by law, Respondent approved placement of newspaper advertisement that falsely advertised his practice and Respondent employed a Certified Dental Technician, although Indiana does not certify, no register, dental technicians. Respondent is now sending dentures out to a lab that properly marks the dentures with the name of social security number of the patient, he has corrected his advertisements and admits he committed renewal fraud but has completed the continuing education required from 2008 through 2010. At this time Ms. Crawford presented a settlement agreement to the Board. The settlement agreement includes the following terms and conditions:

1. Respondent's Indiana dentistry license is hereby placed on **INDEFINITE PROBATION**. Respondent may not seek to modify or petition for withdrawal of probation for a minimum of two (2) years from the date of the Final Order in this matter. While his license is on probation, the Respondent's practice of dentistry shall be governed by the following:
 - A. Respondent shall keep the Board informed of his residential address and telephone number at all times.
 - B. Respondent shall keep the Board informed of his office address and telephone number at all times.
 - C. Respondent shall make appearances before the Board every other month for the first year of his probation and quarterly appearances thereafter for the remainder of probation.
 - D. Respondent shall pay a **FINE of Three Thousand Dollars (\$3,000.00)** to the Indiana Professional Licensing Agency within ninety (90) days of the date of the final order issued in this disciplinary proceeding for two instances of renewal fraud which occurred in 2006 and 2008 and Respondent's failure to complete continuing education as required by Statute.
 - E. Respondent agrees that he shall have lawyer oversight in the drafting and writing of any advertisement for his practice of dentistry and that a copy

of any such advertisement shall be submitted to the Board for its approval prior to its running in any publication in the State of Indiana. A copy of his current yellow pages advertisement is attached hereto and incorporated herein.

- F. Within one (1) year of the Board's final order in this matter the Respondent shall provide the Board with certified documentation that he Has completed forty (40) of continuing education in order to make up for his shortfall in continuing education for the 2004-2006 and 2006-2008 renewal cycles. Respondent understands that this continuing education shall be obtained at his own expense and is in addition to any and all requirements placed on him for the next renewal cycle;
- G. Within one-hundred eighty (180) days of the Board's final order in this Matter. Respondent shall, at his own expense, complete twelve (12) hours of continuing education in ethics in the practice of dentistry and provide certified documentation of completion of the same to the Board. Two (2) hours of the twelve shall include an in person course in Indiana Ethics and Jurisprudence. Respondent understands that this continuing education is in addition to any and all requirements placed on him for the next renewal cycle.

2. Respondent further understands that failure to comply with the Board's order may result in the State requesting an emergency suspension of Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Ind. Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license. Respondent further agrees to abide by all statutes, rules, and the laws regarding the regulation of his profession.

3. Prior to the issuance of the final order in this matter, Respondent shall read the rules and regulations for the practice of dentistry in the State of Indiana and agrees to comply with them in whole.

4. The parties agree to the continuing jurisdiction of the Board.

5. The Respondent agrees to personally appear for the presentation of this Agreement and to pay for a copy of the transcript of the presentation of this Agreement to the Board.

Board action: A motion was made and seconded to accept the settlement agreement in the matter of Dr. Salk, as written.

BURNS/NEWTON
Motion carried 8-0-0

2. **Marci L. Huth, L.D.H., License No. 1300A**
Administrative Cause No. 2006 DB 0005
Re: Petition for Withdraw of Probation

Parties and Counsel Present:

Petitioner was present with counsel, Chad Hanifield
Elizabeth Kiefner Crawford, Deputy Attorney General for the State of Indiana

Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Miller, D.D.S., President (Hearing Officer)

Dr. Hollar, D.D.S.

Dr. Heape, D.D.S.

Ms. LaTurner, Consumer Member

Dr. Rokita, D.D.S.

Dr. Haller, D.D.S.

Dr. Newton, D.D.S.

Case Summary: Petitioner is requesting withdrawal of the probation on her dental hygiene license. Her license has been on indefinite probation since 2004 after a settlement agreement with the Attorney General's office and the Board for writing prescriptions for her and her daughter. The State reminded the Board that it is the Petitioner's responsibility to prove she is safe to practice. Petitioner states to the best of her knowledge she has complied with her probation order. She accepts the fact that it was her mistake and she is remorseful for her actions. The State asked questions regarding her probation order and whether she has been in compliance with each aspect. Petitioner stated she has kept the Board apprised of her address, but did not keep the Board apprised of her employer and was called back in for noncompliance. She states she has been unemployed since 2007. State asked if she was working part time for Dr. Scott Adams until 2009 and she said yes. When asked why she left she stated that he says she quit and she says she was fired because she left work one day due to a migraine. Petitioner told the Board she has not been employed since 2009. When asked by the State what she has done to keep herself abreast of the practice of dental hygiene she stated she has done sixteen (16) hours of continuing education online. Petitioner stated she is currently on Norotin, Cymbalta, Tempremax, at night she takes Xanax to sleep, Restirol and Norco as needed for her back, and Ultram Elite. Petitioner explained to the Board she plans to work varied part time jobs, possibly one or two days per week; however, she has not applied for any dental hygiene jobs between February 2009 and now because she doesn't feel anyone will hire her with a probationary license. Petitioner believes her illness will affect her ability to work full-time but she should be okay to work part-time. The Board asked if she has had an addictionology evaluation and she said she believed she had one back in 2007 at Indiana Health Group and thought she had it forwarded to the Board. The State called Cindy Vaught, Board Director for the Indiana State Board of Dentistry. She indicated that Petitioner has been compliant in her reports and keeping the Board apprised of her address. The States position is that although she is in compliance with her probation order, she is not comfortable with the fact that Petitioner has not practiced dental hygiene since February 2009 and her mental situation as she could not answer fairly simple questions although that could have been due to nervousness.

Board action: A motion was made and seconded to deny the request to withdraw probation from Ms. Huth's dental hygiene license because she has failed to provide evidence that she corrected the deficiency that required disciplinary action.

HOLLAR/ROKITA

Motion carried 4-3-0

*Dr. Burns recused herself

*Dr.'s Newton, Haller and Heape voted against

3. Iulia Francis

Administrative Cause No. 2010 ISDB 0006

Re: Petition for Review of the Board's Denial

Parties and Counsel Present:

Petitioner was present with counsel, Jerry Smith

Elizabeth Kiefner Crawford, Deputy Attorney General for the State of Indiana

Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Miller, D.D.S., President (Hearing Officer)

Dr. Hollar, D.D.S.

Dr. Burns, D.D.S.

Dr. Heape, D.D.S.

Ms. LaTurner, Consumer Member

Dr. Rokita, D.D.S.

Dr. Haller, D.D.S.

Dr. Newton, D.D.S.

Case Summary: Petitioner applied to the Board for a dental hygiene license in 2008. Petitioner has completed all requirements for licensure; however, she does not have a U.S. Social Security Number as required by IC 25-1-5-11(a) and stated in the Board's rules specifically in 828 IAC 1-2-2(d). The Board denied her initial application due to this fact. Petitioner is appealing the denial and asking the Board to overturn their decision as she feels federal guidelines mandate the State of Indiana must issue her a license because she does hold a tax identification number. Petitioner informed the Board that she does not have a Social Security number because her immigration status will not allow her to obtain one.

Board action: A motion was made and seconded to deny Ms. Francis a dental hygiene license based upon:

1. Ind. Code § 25-1-5-11(a) provides that:

An individual who applies for a license issued by a board under this chapter . . . shall provide the individual's Social Security number to the [Indiana professional licensing] agency.

2. This requirement is also stated in the Board's rules specifically 828 IAC 1-2-2(d) as follows:

All applicants [for licensure as a dental hygienist] must submit the applicant's United States Social Security number in order to be eligible for licensure.

Because the petitioner has not submitted a United States Social Security number, she is not eligible for licensure and therefore her application must be denied.

HOLLAR/LaTURNER
Motion carried 8-0-0

4. David S. Kilgore, D.D.S.

Administrative Cause No. 2010 ISDB 0007

Re: Petition for Review of the Board's Denial

Parties and Counsel Present:

Petitioner was present without counsel

Elizabeth Kiefner Crawford, Deputy Attorney General for the State of Indiana

Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Miller, D.D.S., President (Hearing Officer)

Dr. Hollar, D.D.S.

Dr. Burns, D.D.S.

Dr. Heape, D.D.S.

Ms. LaTurner, Consumer Member

Dr. Rokita, D.D.S.

Dr. Haller, D.D.S.

Dr. Newton, D.D.S.

Case Summary: Petitioner had applied for a dental license in the State of Indiana which the Board denied based on his history of disciplinary action against his Ohio dental license by the State of Ohio. Petitioner's Ohio dental license has been suspended on two (2) separate occasions stemming from complaints that he was practicing beyond his scope of practice. Petitioner is requesting an appeal of the denial and asks the Board to reconsider allowing him to be licensed in the State of Indiana. He explained to the Board that he has an opportunity to practice in the Elkhart, Indiana area at a maxillofacial surgery center with Dr. Hewitt who has contracted with petitioner's business, Dental Specialties of America, based in Ohio. He stated Dr. Hewitt is the general dentist and he himself is the oral surgeon. The Board is not comfortable with him being a specialist and doing bridges and not acknowledging that it was wrong as outlined in the complaints in Ohio.

Board action: A motion was made and seconded to grant Dr. Kilgore a dental license with the following terms and conditions upon the execution of the final order and successful completion of the Indiana jurisprudence examination:

1. Petitioner's license to practice dentistry shall be on Indefinite Probation and he may not petition for removal of the probation for a period of two (2) years.
2. Petitioner's license shall be governed by the following terms of his probation:

A. Petitioner shall make six (6) personal appearances each year before the Board as notified by the Board. After one year, he may petition to modify his probation to reduce the number of personal appearances to three (3) per year.

B. Within ninety (90) days, he shall attend in person, and complete, a continuing education course regarding the ethical practice of dentistry in Indiana.

C. Petitioner shall comply with all statutes and rules governing the practice of dentistry.

3. The failure of Petitioner to comply with the terms of his probation may subject him to a show cause hearing and the possible imposition of further sanctions.

BURNS/LaTURNER
Motion carried 7-1-0
*Dr. Miller voted against

V. NOTICE OF PROPOSED DEFAULT

There were no notices of proposed default before the Board.

VI. OLD/NEW BUSINESS

There was no old or new business to discuss before the Board.

VII. DISCUSSION

A. Election of Officers

1. President

Ms. LaTurner nominated Dr. Hollar for president of the Indiana State Board of Dentistry.

Board action: A motion was made and seconded to accept the nomination as stated.

LaTURNER/HALLER
Motion carried 7-0-0

2. Vice President

Dr. Heape nominated Dr. Miller for Vice President of the Indiana State Board of Dentistry.

Board action: A motion was made and seconded to accept the nomination as stated.

HEAPE/BURNS
Motion carried 7-0-0

3. Secretary

Dr. Hollar nominated Dr. Haller for Secretary of the Indiana State Board of Dentistry.

Board action: A motion was made and seconded to accept the nomination as stated.

HOLLAR/LaTURNER
Motion carried 7-0-0

B. Online Continuing Education

Dr. Hollar discussed the issue with online continuing education and the doctors that get all of their continuing education in one (1) day.

VIII. APPLICATION REVIEW

A. Examination

There were no applications by examination to review.

B. Endorsement

1. Gretchen Katherine Schulz, L.D.H.

The Board reviewed the dental hygiene license application by endorsement for Ms. Schulz. She is a 2004 graduate of Columbus State Community College and is currently licensed in the state of Ohio. Ms. Schultz has taken and passed National Boards and the North East Regional Board or Regional Dental Examiners (NERB). Ms. Schulz answered "yes" to question 4B that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained in a notarized affidavit that in July of 2002 she was charged with driving under the influence. Plead n contest and received a suspended sentence, 6 months non reporting probation, received work driving privileges and paid all fines. Prior to appearing in court she voluntarily attended a 3 day alcohol awareness seminar.

Board action: A motion was made and seconded to grant Ms. Schulz a dental hygiene license upon successful completion of the Indiana jurisprudence examination.

ROKITA/NEWTON

Motion carried 8-0-0

C. Anesthesia and Sedation Permits

There were no anesthesia permits to review.

D. Dental Intern Permit

There were no dental intern permits to review.

E. Mobile Dental Facility

There were not mobile dental facility permits to review.

F. Instructors License

There were no instructor's license applications to review.

G. Professional Corporations

There were no professional corporation applications to review.

IX. RENEWALS

There were no renewal applications to review.

X. PROBATIONARY/CONDITIONAL LICENSE REPORT

1. Penelope Lynn Dunlap, D.D.S.

Dr. Haller reviewed Dr. Dunlap's probationary file. Her reports from Joseph W. Hake, D.D.S., Monitor, for April and May 2010 were reviewed and accepted.

2. Marci L. Huth, L.D.H.

Dr. Haller reviewed Ms. Huth's probationary file. Ms. Huth is currently not employed as a dental hygienist. She reported that her address had not changed, and the medication she is currently taking. Her report was reviewed and accepted.

3. Christopher Leonard, D.D.S.

The Board has not received a report from Jerry Hickman, DDS, worksite monitor. The Board stated they would like a letter sent to Dr. Leonard addressing this issue.

4. Edward Mamaril, D.D.S.

Dr. Haller reviewed Dr. Mamaril's probationary file. His prescription log report for May 2010 was reviewed. Dr. Mamaril is scheduled for his next probationary appearance on August 6, 2010.

Board action: A motion was made and seconded to accept the probationary reports for Dr. Dunlap, Ms. Huth, Dr. Leonard and Dr. Mamaril.

HALLER/NEWTON
Motion carried 8-0-0

XI. CONTINUING EDUCATION

A. InDent Study Club, LLC.

Dr. Newton reviewed the application for continuing education. The application lacked the study club by-laws required for approval.

Board action: A motion was made and seconded to pend the approval of the application for continuing education sponsor for InDent Study Club, LLC dependent upon receipt of the study club's by-laws.

NEWTON/HOLLAR
Motion carried 7-0-1
*Dr. Burns recused herself

XII. REPORTS

There were no reports before the Board.

XIII. ASSOCIATION REPORTS

A. Indiana Dental Association

Jay Dziwlik discussed the Indiana ethics courses being given and requested the Board's input on anything they would like to have put in the course specifically. Dr. Hollar stated they need to let dentists know they can visit the IPLA's website and verify the status of their licenses as well as themselves and also the strong encouragement to not only sit through the course but to also stress the importance of reading and understanding the rules and regulations. Dr. Heape recognized Jay for the fine article in the ADA journal as well as Dr. Miller, Dr. Burns and Dr. Catey for providing the photo for the article.

B. Indiana Dental Hygiene Association

There was no report before the Board.

C. Indiana Dental Assistants Association

There was no report before the Board.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 2:45 p.m.

Board action: A motion was made and seconded to adjourn the meeting of the Indiana State Board of Dentistry at 2:45 p.m.

NEWTON/LaTURNER

Motion carried 8-0-0


Matthew Miller, D.D.S., President

10/1/10
Date


Steven Hollar, D.D.S., Secretary

10/1/10
Date